

Kowalski case is an issue of disability rights, not gay rights

I met Karen Thompson four years ago when she came to Philadelphia to do a local TV talk show. She was traveling the media circuit organizing nationwide support for her "free Sharon Kowalski" campaign. In 1982, Kowalski was injured in an auto accident and relegated by her parents to vegetate in a Minnesota nursing home. She was also Thompson's longtime lover.

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Disabled in America



Thompson was locked in a nasty custody battle with Kowalski's family, contending that before the accident she and Sharon lived together in a marital relationship and therefore she — instead of the family — should be Kowalski's court-appointed guardian.

Because of Thompson's training in physical education and rehabilitation, she also felt Kowalski's condition would have a greater chance to improve outside the restrictive environment of a nursing home.

A lower court ruling in Minnesota did not consider Thompson and Kowalski's lesbian relationship a legal marriage and continued to allow the Kowalski family to be their daughter's guardian.

When the Thompson and Kowalski story finally caught fire, there was confusion about how to define and characterize the issue. Was it a gay rights issue dealing with nontraditional marriage, or a disability rights problem where a person was being denied the best quality of life available?

This is where I came in.

On the Philadelphia talk show, I attempted to steer the discussion away from the lesbian issue and keep it where it belonged. Kowalski was an adult, and her personal life before becoming totally disabled should not have been a legal factor after the accident. During the discovery process of Thompson's legal battle, it was stated repeatedly in depositions that Kowalski wanted to live with Thompson. She wanted to be with her because she considered Thompson her family.

Would the court ordinarily rule that a heterosexual woman without disability be taken from her husband and returned to her parents simply because the wife became severely disabled? Not likely.

Reporters win award the hard way

BY ELLEN CREAGER
Free Press Staff Writer

After two weeks traversing their city in wheelchairs, two Harrisburg, Pa., reporters found out what the physically disabled have known for years — getting around town is all uphill.

For their accomplishment, the Detroit Free Press has awarded Ted Anthony and Michael Stetz first place in the second annual Jim Neubacher Award. The reporting team will receive \$1,000 and a plaque.

The award honors Jim Neubacher, who was a reporter and columnist for the Free Press for 19 years. He died of complications from multiple sclerosis in March 1990 at age 40. The Free Press honors, in his name, the best reporting and writing that crusade for the rights of the disabled.

"The first day, we went three

blocks downtown and it took us an hour to get there," says Patriot-News reporter Michael Stetz. "We got blisters. Our arms were aching. It was a real education. The downtown area of Harrisburg is truly terrible. You actually had to drive your wheelchair in the street."

Stetz and fellow writer Anthony visited malls, city streets, grocery stores, parking lots and even their own newspaper office. They found obstacles, barriers, ramps so steep they couldn't get up, flat out impossibilities. Even "accessible doesn't always mean possible," they found. But when Anthony and Stetz reported their findings, the community responded and so did city government, with money and changes.

Anthony, 23, a native of Allison Park, Pa., is a police and general assignment reporter. Stetz, 32, is a Baltimore native who covers the suburbs of Harrisburg.

The Thompson and Kowalski case graphically illustrates how sensationalism and a lack of respect for different life-styles can hide the real moral issue within a disabled person's struggle for independence and self-determination. If the press had portrayed the case exclusively as one of disability rights, the legal battle might have been shorter or might never have occurred.

However, as a result of the pro-

rights for Thompson in January 1989, Kowalski's legs could no longer stretch beyond a 90-degree angle. Thompson blames lack of therapy.

Moreover, Thompson claims that Kowalski's mental condition deteriorated because she had no therapy in those first years after the accident. "Her long-term memory is intact, but her short-term memory is terrible," Thompson says.

Finally, after a decade of legal maneuvering and many setbacks, Thompson won the right to care for Kowalski. Last December, the Minnesota Court of Appeals overturned all lower court decisions keeping the two women apart, saying, in effect, that a disabled person's birth parents would not necessarily know what was best for that person as an adult.

In addition, the court's decision got right to the heart of the issue. People with disabilities should be heard; people with disabilities should be allowed to live as they want and with whomever they want. Pretty basic stuff.

So why did it take 10 years, \$200,000 in legal fees and a big national debate to arrive at a point of common sense? The answer is simple. Advocates for disabled people and their allies took a walk because they couldn't figure out how to separate a gay rights issue from one that was truly only a matter of disability and freedom.

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longed custody battle, Kowalski is paying the price of nursing home neglect. According to Thompson, Kowalski was denied "basic appropriate care." During the years Thompson was denied even visitations rights to the nursing home, Kowalski developed "a gum disease." "She had a fungus growing on her tongue," said a source close to Thompson. "She had been tube-fed the whole time."

Though Kowalski could stand up in those first years after her injury, by the time the court reinstated visiting